

04/26/99



Jc598 U.S. PTO

DOCKET NO: 19603/2293 (CRF D-572L)  
EXPRESS MAIL NO: EL158794620US

ARE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REISSUE APPLICATION TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: REISSUE

Jc530 U.S. PTO  
09/299426  
04/26/99

Sir:

Transmitted herewith for filing is an Application for Reissue of U.S. Utility Patent No. 5,840,481 issued on November 24, 1998.

Inventor(s) : Stephen A. Johnston and John C. Sanford

Title : PARASITE-DERIVED RESISTANCE

1. Enclosed are the following:

- ☒ Specification, claims(s) and abstract (41 pages)
- ☒ [ ] Formal ☒ Informal Drawings (1 page)
- ☒ Two Reissue Oath/Declarations in accordance with CFR 1.175 (3 pages each)
- ☒ Two Statements by Assignees in Support of Reissue (2 pages each)
- ☐ Preliminary Amendment ( pages)
- ☒ Offer to surrender the Original U. S. Patent in accordance with 37 CFR 1.178.  
The Original Patent is:
  - ☐ Enclosed
  - ☒ Will be supplied before allowance;
  - ☐ Lost or inaccessible. A supporting declaration is attached.
- ☒ Request for Transfer of Original Drawings
- ☒ Original U.S. Patent is currently assigned:
  - ☒ Yes [ ] No
  - (If yes, check applicable boxes)
- ☒ Written Consent of all Assignees is enclosed (see attached Statements by Assignees in Support of Reissue).
- ☒ 37 CFR 3.73(b) Statements are enclosed (see attached Statements by Assignees in Support of Reissue).
- ☐ Foreign priority claim (if applicable)
- ☐ Request for Title Report in accordance with 37 CFR 1.171.

- ☐ Information Disclosure Statement with PTO 1449 form(s) and \_\_\_ references.
- ☐ Small Entity Statement(s):
- ☐ filed in prior application
- ☐ still proper and desired
- ☒ A self-addressed, prepaid postcard acknowledging receipt.
- ☐ Other:

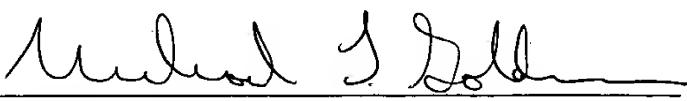
2. **Fee Calculation:**

	(Col. 1)	(Col. 2)	SMALL ENTITY	OR	LARGE ENTITY
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE
BASIC FEE	XXXXXXXXXX	XXXXXXXXXX	XXXXXX	\$ 380	XXXXXX
TOTAL CLAIMS	133 - 20 =	*113	X 9 =	\$	X 18 =
INDEP CLAIMS	28 - 3 =	*25	X 39 =	\$	X 78 =
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			X 130 =	\$	X 260 =
			TOTAL	\$	TOTAL
					\$4744

\*If the Total Claims are less than 20 and Indep. Claims are less than 3, enter "0" in Col. 2

3. Check in the amount of **\$4,744.00** is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 14-1138. A duplicate copy of this sheet is enclosed: -----

Date: April 26, 1999

  
 Michael L. Goldman  
 Registration No. 30,727

Nixon, Hargrave, Devans & Doyle LLP  
 Clinton Square, P.O. Box 1051  
 Rochester, New York 14603  
 Telephone: (716) 263-1304  
 Facsimile: (716) 263-1600

#6

PATENT  
Docket No.: 19603/2293 (CRF D-572L)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No. : )  
 )  
Filed : )  
 )  
U.S. Patent No. : 5,840,481 )  
 )  
Granted : November 24, 1998 )  
 )  
Patentees : Stephen A. Johnston )  
 John C. Sanford )  
 )  
For : PARASITE-DERIVED RESISTANCE )  
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**STATEMENT BY ASSIGNEE, CORNELL RESEARCH FOUNDATION, INC.,**  
**IN SUPPORT OF REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**Box: REISSUE**

Dear Sir:

Cornell Research Foundation, Inc. ("CRF"), a tax-exempt foundation, having a principal place of business at 20 Thornwood Drive, Suite 105, Ithaca, New York 14850, states that it is the assignee the full and exclusive rights of John C. Sanford's share as an inventor of U.S. Letters Patent No. 5,840,481, issued November 24, 1998, to the inventors Stephen A. Johnston and John C. Sanford.

CRF assents to the accompanying application and prays that CRF be allowed to surrender said Letters Patent and that said Letters Patent be reissued to CRF in the form indicated in the annexed amended specification. CRF offers to surrender the Letters Patent in accordance with 37 CFR §1.178.

CRF declares, pursuant to 37 CFR § 3.73(b), that, to the best of CRF's knowledge and belief, title is in CRF's name, as evidenced by the recordation of an assignment from John C. Sanford to Cornell Research Foundation, Inc. on May 14, 1993, at Reel 6543, Frame 0370-72.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

CORNELL RESEARCH FOUNDATION, INC.

By: Richard S. Cahoon  
Richard S. Cahoon  
Vice President; Associate Director,  
Patents & Technology Marketing

Date: April 22, 1999

#6

PATENT  
Docket No.: 19603/2293 (CRF D-572L)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No. : -)  
Filed : )  
U.S. Patent No. : 5,840,481 )  
Granted : November 24, 1998 )  
Patentees : Stephen A. Johnston )  
John C. Sanford )  
For : PARASITE-DERIVED RESISTANCE )

**STATEMENT BY ASSIGNEE, STEPHEN A. JOHNSTON,**  
**IN SUPPORT OF REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: REISSUE

Dear Sir:

Stephen A. Johnston, a United States citizen, residing at 10519 Les Jardins, Dallas, Texas 75229, states that he is the assignee of the full and exclusive rights to his share as an inventor of U.S. Letters Patent No. 5,840,481, issued November 24, 1998, to the inventors Stephen A. Johnston and John C. Sanford.

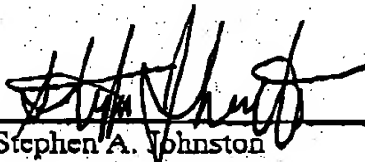
Stephen A. Johnston assents to the accompanying application and prays that he be allowed to surrender said Letters Patent and that said Letters Patent be reissued to him in the form indicated in the annexed amended specification. Stephen A. Johnston offers to surrender the Letters Patent in accordance with 37 CFR §1.178.

Stephen A. Johnston declares, pursuant to 37 CFR § 3.73(b), that, to the best his knowledge and belief, title is in his name, as evidenced by the recordation of an assignment from Stephen A. Johnston to Duke University on May 14, 1993, at Reel 6543, Frame 0373- 0375 and the assignment of Duke University to Stephen A. Johnston on December 1, 1995, at Reel 7742, Frame 0507-09.

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- 2 -

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
Stephen A. JohnstonDate: 4-26-99

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